

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DWAYNE EDWARDS,
Petitioner,

CIVIL ACTION

v.

JACK SOMMERS,
THE DISTRICT ATTORNEY OF THE
COUNTY OF DELAWARE, and
THE ATTORNEY GENERAL OF THE
STATE OF PENNSYLVANIA,
Respondents.

NO. 17-2449

ORDER

AND NOW, this 7th day of December, 2018, upon consideration of Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro se* petitioner, Dwayne Edwards, the related submissions of the parties, the record in this case and the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated August 23, 2018, there being no objections, and the time for filing objections having passed, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated August 23, 2018, is **APPROVED** and **ADOPTED**;
2. The Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro se* petitioner, Dwayne Edwards, is **DISMISSED WITHOUT PREJUDICE** so as to allow petitioner to exhaust his state court remedies; and,
3. The Clerk of Court shall **MARK** this case **CLOSED**.

IT IS FURTHER ORDERED that a certificate of appealability will not issue because reasonable jurists would not debate the propriety of this Court's procedural ruling with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:
/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.